

REMARKS

Claims 1, 3-18, 22-45 and 48-78 will be pending in this application upon entry of the foregoing amendments. Claims 1, 22-27, 29, 32-35, 41-44, 48, 50, 51, 54-57, 60, 63, 66, 67, 70 and 73 are independent claims. Claims 2, 19-21, 46 and 47 have been canceled without prejudice or disclaimer of subject matter. The amended and new claims do not introduce new matter and are supported by the specification as detailed below.

Although it is believed that they were clear and definite as filed, claims 1, 22-27, 29, 32-35, 41-45, 48-52, 54-57, 60, 63, 66, 67, 70, and 73 have been amended to recite that the correlation is made if the organism is capable of remaining adherent to sperm after washing a sample comprising organism-positive sperm to permit removal or separation of non-sperm substances from the sample. Support for this amendment can be found at least in original claim 2.

Claim 3 has been amended to conform it to the language of amended claim 1.

Claim 5 has been amended to depend from claim 3, rather than from claim 4, to conform it to the language of claim 3, and to delete the definite article “the” preceding the word “continuation” in two instances, since there was no antecedent basis for “continuation.” These are minor grammatical revisions that do not narrow the scope of the claim.

Claims 25-27 have been amended to change the definite article “the” to indefinite article --a--, since there was no antecedent basis in these claims for the word “risk.” This is a minor grammatical revision that does not narrow the scope of the claims.

Although claim 29 was clear and definite as filed, it also has been amended to include a recitation of “a risk of” a condition, as indicated, to be consistent with similar language in claims 25-27, for example. This is a minor grammatical revision that does not narrow the scope of the claim.

Each of new claims 77 and 78 depends from claim 67. They correspond to and are supported by the language of original claims 68 and 69, respectively.

Since none of the amended or new claims add any new matter to the application, entry of the amendments is respectfully solicited.

An early examination and allowance of all of the claims pending after entry of these amendments are respectfully solicited.

CORRESPONDENCE ADDRESS

April 2, 2004

(Date)

By:



ALAN S. NADEL

Registration No. 27,363

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1280

Facsimile: 215-965-1210

E-Mail: anadel@akingump.com

ASN/hg